



VARIANCE APPLICATION INFORMATION AND CHECKLIST

BACKGROUND AND RESPONSIBILITIES

The following guide is provided in an effort to minimize the amount of time and effort spent by the applicant, City staff and the Planning and Zoning Commission when submitting, processing and considering a Variance Application.

The recommendations and information provided herein are the result of experience and as such should be considered seriously by the applicant in the preparation of a request for a variance.

It is strongly recommended that the applicant, architect and/or builder read Chapter 78 of the City of Berkeley Lake Code of Ordinances: *Zoning* and meet with staff prior to submitting a variance application.

It is the **responsibility of the applicant and the property owner** to be aware of the Code of Ordinances of the City of Berkeley Lake.

It is the responsibility of the applicant to provide all documentation required to prove his/her case in writing and illustration and provide the required number of copies of that documentation.

It is the responsibility of the applicant to apply for any permits required after a variance is approved.

SUBMITTAL REQUIREMENTS

- Submit complete, signed VARIANCE APPLICATION form.
- If applicable, submit complete, signed AUTHORIZATION OF PROPERTY OWNER form.
- Submit the application fee per the current fee schedule.
- Submit 1 copy of a legible, current survey of the subject property on paper no larger than 11" X 17".
- Submit 1 copy of a legible site plan drawn to scale (can be drawn on the current survey) on paper no larger than 11" X 17" depicting the following:
 - Property lines and lot dimensions; including area (square footage);
 - The gross square footage of all proposed and existing buildings and other structures;
 - Relationship of all structures/buildings to each property line, noting the distance of each structure to each property line, as well as all required setbacks;
 - Building heights of all existing and proposed structures; elevations are strongly recommended
 - Other information as requested by staff.

GENERAL INFORMATION TO APPLICANTS

- 1.) The City of Berkeley Lake requires compliance with the Zoning ordinance. A variance may be granted in an individual case where adhering to a Zoning ordinance requirement is an unnecessary hardship and upon a finding by the Planning and Zoning Commission that all of the following conditions are met:
 - a) There are extraordinary and exceptional conditions pertaining to the particular property because of its size, shape or topography; and
 - b) The application of the zoning ordinance to this particular piece of property would create an unnecessary hardship; and

- c) Such conditions are peculiar to the particular piece of property involved; and
 - d) Such conditions are not the result of any actions of the property owner; and
 - e) Relief, if granted, would not cause substantial detriment to the public nor impair the purposes or intent of the zoning ordinance; and
 - f) The variance is granted for a use of land or building or structure that is not prohibited by the zoning ordinance.
- 2.) If the variance request is to alter a non-conforming structure, a variance may be granted in the individual case upon finding by the Planning and Zoning Commission that:
- a) The variance is for a conforming change and such change does not increase the impact of the existing structure's non-conforming aspects (elevations are required for any roofline changes to determine that the impact of the non-conforming aspects is not increased); and
 - b) Items b) through f) in #1 above.
- 3.) Be advised that incomplete applications will not be considered for inclusion on the Planning and Zoning Commission's agenda.
- 4.) It is recommended that you meet with City staff prior to filling out an application to ensure that you understand all submittal requirements.
- 5.) The Planning and Zoning Commission meets at 7:15 PM on the second Tuesday of every month. Please refer to the current meeting schedule, which includes submittal and withdrawal deadlines.
- 6.) Because variances are required to be considered at a public hearing, a public notice of the hearing must be advertised in the newspaper at least 30 days in advance of the scheduled hearing. (Chapter 78-366 (b)(1)). A variance may be withdrawn by the applicant up to the date of submission of the published notice to the newspaper.
- 7.) A sign must be conspicuously erected on the subject property for at least 15 days prior to the scheduled public hearing. (Chapter 78-366(b)(2)). City staff will erect the sign.
- 8.) As a condition of approval of all variance applications, the Planning and Zoning Commission requires that construction be consistent with plans and drawings presented and reviewed by the Planning and Zoning Commission at the public hearing where the variance is considered. Failure to construct in accordance with such plans shall nullify the variance.
- 9.) If more than a year has elapsed or there are changes to the applicable portion(s) of the Zoning Ordinance prior to issuance of a building permit or other activity authorized by the variance, a reapplication and hearing before the Planning & Zoning Commission shall be required.